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Notice of Allowability	Application No.		Applicant(s)	
	10/016,726		ZAYAS-RIVERA ET AL.	
	Examiner		Art Unit	
	Kevin E. Weddington		1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 12, 2006.
2. ☒ The allowed claim(s) is/are 51-54; renumbered 1-4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6-12-06</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u>. |
|---|---|


 Kevin E. Weddington
 Primary Examiner
 Art Unit 1614

Continuation of Attachment(s) 9. Other: The drawings filed October 30, 2001 are acceptable.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on June 12, 2006, Heath W. Hoglund requested an extension of time for 1(ONE) MONTH and authorized the Director to charge Deposit Account No. 501452 the required fee of \$ 60.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Heath Hoglund on June 12, 2006.

The application has been amended as follows:

In the claims:

Cancel claims 38-50.

Insert the following new claims:

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-- 51. (NEW) A method of inhibiting the growth of *E. coli*, *P. aeruginosa*, *B. cepacea*, *S. typhimurum*, *S. aureus*, *S. epidermidis*, *B. subtilis*, *A. niger*, and *C. albicans* comprising the step of applying a composition containing perillyl aldehyde in a concentration of 1 percent by weight.

52. (NEW) A method of inhibiting the growth of fungi or a bacteria comprising the step of applying a composition containing perillyl aldehyde, wherein a concentration of 1 percent by weight of perillyl aldehyde is sufficient to inhibit the growth of *E. coli*, *P. aeruginosa*, *B. cepacea*, *S. typhimurum*, *S. aureus*, *S. epidermidis*, *B. subtilis*, *A. niger* and *C. albicans*.

53. (NEW) A method of inhibiting the growth of a bacteria comprising the step of applying a composition containing perillyl aldehyde, wherein a concentration of 1 percent by weight perillyl aldehyde is sufficient to inhibit the growth of *E. coli*, *P. aeruginosa*, *B. cepacea*, *S. typhimurum*, *S. aureus*, *S. epidermidis*, *B. subtilis*.

54. (NEW) A method of inhibiting the growth of *E. coli*, *P. aeruginosa*, *B. cepacea*, *S. aureus*, *S. epidermidis*, *B. subtilis* comprising the step of applying a composition containing perillyl aldehyde in a concentration of 1 percent by weight.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest that the applicant's preferred concentration of 1% by weight of perillyl aldehyde is effective to inhibit the growth of *E. coli*, *P. aeruginosa*, *B. cepacea*, *S. typhimurum*, *S. aureus*, *S. epidermidis*, *B. subtilis*, *A. niger*, and *C. albicans*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Weddington whose telephone number is (571)272-0587. The examiner can normally be reached at 12:00 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, Ph.D., AU 1614 Supervisory Patent Examiner, can be reached via the telephone number (571) 272-0718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K. Weddington
June 12, 2006


ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER